

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>HENRIETTA KELLEY</b>  <b>v.</b>  <b>STATE FARM FIRE &amp; CASUALTY CO.</b>	<b>CIVIL ACTION</b>  <b>NO. 19-0626</b>
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**ORDER RE: MOTION TO DISMISS**

AND NOW, this 10th day of June, 2019, upon consideration of Defendant State Farm Fire and Casualty Company's Motion to Dismiss Plaintiff Henrietta Kelley's Complaint (ECF 3), and all briefs and exhibits related to this Motion, and for the reasons set out in the accompanying Memorandum, it is hereby ORDERED that Defendant State Farm's Motion is GRANTED as follows:

1. Per the Stipulation of the Parties (ECF 6), the words "cost" and "attorneys' fees" appearing in the Wherefore clause shall be stricken from Count I.
2. Count II is DISMISSED WITHOUT PREJUDICE, with leave to replead within 14 days.

**BY THE COURT:**

*/s/ Michael M. Baylson*

**MICHAEL M. BAYLSON, U.S.D.J.**